

ENTERED

February 11, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

ROHN M. WEATHERLY,

§

Plaintiff,

§

V.

Civil Action No. 6:20-cv-00040

**BRIAN COLLIER, TIMOTHY C. JONES,
J. C. GONZALES, VALERIE MACIEL,
and COREY FURR,**

§

Defendants.

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ORDER ACCEPTING MEMORANDUM AND RECOMMENDATION

Pending before the Court is the Memorandum and Recommendation (“M&R”) signed by Magistrate Judge Julie K. Hampton on September 1, 2020. (Dkt. No. 15). In the M&R, Magistrate Judge Hampton resolved Plaintiff Rohn M. Weatherly’s (“Plaintiff”) Motion for Summary Judgment (“Motion”), (Dkt. No. 14). (Dkt. No. 15). The Magistrate Judge recommended Plaintiff’s Motion be denied without prejudice as premature because “several defendants have yet to be served, and none of the defendants have filed an answer or other responsive pleading.” (*Id.*). Magistrate Judge Hampton also noted that “no discovery has taken place, and no scheduling order regarding discovery has been issued in this case.” (*Id.*).

The Parties were provided proper notice and the opportunity to object to the proposed findings and recommendations. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. No party has objected. As a result, review is straightforward. “When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” FED. R. CIV. P. 72(b) advisory committee’s note

to 1983 addition; *see also Guillory v PPG Industries Inc*, 434 F.3d 303, 308 (5th Cir. 2005) (citation omitted).

The Court has reviewed the pleadings, the record, and the applicable law. No clear error appears. Accordingly, the M&R is **ACCEPTED** as this Court's Memorandum and Order. Plaintiff's Motion is **DENIED WITHOUT PREJUDICE** as premature.

It is SO ORDERED.

SIGNED this February 10, 2021.


Drew B. Tipton
DREW B. TIPTON
UNITED STATES DISTRICT JUDGE